

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States District Court
Southern District of Texas
FILED

DEC 26 2000

Michael N. Milby, Clerk

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

NATIONWIDE HOUSING SYSTEMS, INC.

Defendant

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Civil Action No. CA-00-125

45.
United States District Court
Southern District of Texas
ENTERED

JAN 10 2001

Michael N. Milby, Clerk of Court

CONSENT DECREE

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC"), and Defendant, Nationwide Housing Systems, Inc. ("Nationwide"). This Consent Decree resolves the allegations raised by the EEOC in the above-referenced Civil Action No. C-00-125. The EEOC initiated this lawsuit under §623(a) of the ADEA, 29 U.S.C. § 623(a), to correct alleged unlawful employment practices on the basis of age, and to provide appropriate relief to James W. Stovall, who the EEOC maintains was adversely affected by these alleged practices based on his age. The EEOC alleges that James W. Stovall was subjected to unlawful discrimination when Nationwide failed to promote Stovall to the position of general manager. Nationwide denies the allegations brought by the EEOC as alleged in the Complaint filed in this Civil Action.

The EEOC and Nationwide wish to settle this action, without the risks, uncertainties and expenses of continued litigation, under the terms in the Decree. Neither Nationwide's consent to the entry of this Decree, nor any of the terms set forth in it, shall constitute or be construed as Nationwide's admission of any ADEA violation.

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of this action and the parties, venue is proper, and all administrative prerequisites to the EEOC's filing of this action have been met. The parties stipulate to the Court's jurisdiction.

2. This Decree is entered in full and complete settlement of all claims contained in this lawsuit. EEOC expressly reserves its right to process and litigate any other charges (other than EEOC Charge No. 36B 97 0273 filed by James W. Stovall against Nationwide) which may now be pending or may in the future be filed against Defendant Nationwide.

3. The duration of this Decree shall be two years from the date of its filing with the Court. This Court shall retain jurisdiction of this action during the period of this Decree and may enter further orders or modifications as may be appropriate.

4. Defendant Nationwide is enjoined from engaging in any employment practice which discriminates on the basis of age, including, but not limited to promotion.

5. Within one (1) year of the date of entry of this Decree, one of Nationwide's human resources personnel, general counsel, or an attorney from the law offices of the Ashcraft Law Firm, P.C., shall provide EEO training to the regional manager and all general managers in Region 18 (consisting of the sales centers in Boerne, Corpus Christi, New Braunfels, and Seguin) of the South Division of Defendant Nationwide. The training shall: (a) explain that age discrimination is unlawful; (b) instruct what conduct may constitute age discrimination; and (c) explain the damaging effects of age discrimination to victims, their families, their co-workers, and the workplace environment. Within 20 days after the EEO training has been completed, Nationwide shall provide to the EEOC a written report identifying each individual who attended this training and the date(s) and time of attendance. This training may be conducted in conjunction with previously scheduled conferences or training.

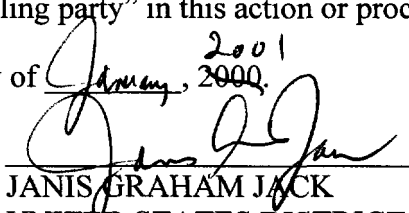
6. Defendant Nationwide agrees to post a notice, for at least the duration of this Decree, of its intent to comply with the ADEA. This notice is set forth in Exhibit "A," which is attached to this Decree. Nationwide agrees to post a copy of Exhibit "A" in a conspicuous place in Nationwide's sales center in Corpus Christi, Texas, within ten days after this Decree is entered.

7. Defendant Nationwide, in settlement of this dispute, shall pay to James W. Stovall, the sum total of \$6,500.00 (SIX THOUSAND, FIVE HUNDRED AND 00/100), including all legal deductions. Payment shall be mailed directly to, James W. Stovall, Rt. 7, Box 860, Livingston, Texas 77351, within 14 days of the Court entering this Decree. A copy of the settlement check and any accompanying transmittal documents shall be forwarded to the EEOC to the attention of Robert B. Harwin, Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

8. The terms of this Decree shall be binding upon the EEOC and Defendant Nationwide, its agents, officers, employees, servants, successors, and assigns, as to the issues resolved herein.

9. The parties to this Decree shall bear their own costs and attorney's fees incurred in this action. The parties agree that there is no "prevailing party" in this action or proceeding.

SO ORDERED AND ENTERED

2nd day of January, ²⁰⁰¹~~2000~~

JANIS GRAHAM JACK
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF

NOTICE TO ALL EMPLOYEES

NATIONWIDE HOUSING SYSTEMS, INC. SUPPORTS FEDERAL LAW REQUIRING THERE BE NO DISCRIMINATION AGAINST ANY APPLICANT OR EMPLOYEE BECAUSE OF HIS OR HER RACE, COLOR, SEX, NATIONAL ORIGIN, RELIGION, AGE OR DISABILITY AND REAFFIRMS ITS COMMITMENT NOT TO DISCRIMINATE AGAINST ANY APPLICANT OR EMPLOYEE ON ANY TERM OR CONDITION OF EMPLOYMENT.

NATIONWIDE HOUSING SYSTEMS, INC. WILL NOT DISCRIMINATE AGAINST ANY EMPLOYEE FOR OPPOSING EMPLOYMENT DISCRIMINATION OR FOR FILING OR PARTICIPATING IN A CHARGE OF EMPLOYMENT DISCRIMINATION.

IF YOU BELIEVE YOU ARE BEING DISCRIMINATED AGAINST IN ANY TERM OR CONDITION OF YOUR EMPLOYMENT BECAUSE OF YOUR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, AGE, OR DISABILITY, OR THAT YOU ARE BEING SUBJECTED TO HARASSMENT BECAUSE OF YOUR AGE OR HAVING ENGAGED IN ADEA-PROTECTED ACTIVITY, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM SUPERVISORY PERSONNEL, THE HUMAN RESOURCES DEPARTMENT, 2450 SOUTH SHORE BOULEVARD, SUITE 300, LEAGUE CITY, TEXAS 77573, (281) 334-9700. YOU MAY ALSO SEEK ASSISTANCE FROM THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 5410 FREDERICKSBURG ROAD, SUITE 200, SAN ANTONIO, TEXAS 78229-3550, (210) 281-7600 OR 1-800-669-4000.

NO RETALIATORY ACTION MAY BE TAKEN AGAINST YOU FOR SEEKING ASSISTANCE, FILING A CHARGE, OR COMMUNICATING WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

EEOC ENFORCES TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, WHICH PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN; THE AGE DISCRIMINATION IN EMPLOYMENT ACT; THE EQUAL PAY ACT; PROHIBITIONS AGAINST DISCRIMINATION AFFECTING INDIVIDUALS WITH DISABILITIES; SECTIONS OF THE CIVIL RIGHTS ACT OF 1991, AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT, WHICH PROHIBITS DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES IN THE PRIVATE SECTOR AND STATE AND LOCAL GOVERNMENTS.

EXHIBIT "A"